

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

United States of America)	
)	C/A No. 83-cr-281
v.)	
)	ORDER
Darrell L. Bennett)	(Written Opinion)
)	
Petitioner.)	
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This matter is before the Court on Mr. Bennett's Motion Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody.

Petitioner brings this claim *pro se*. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982). This Court will construe the petitioner's motions liberally.

The petitioner filed his motion on May 7, 2009. The petitioner did not place the docket number on his motion. Since the motion did not have the docket number, the clerk's office erroneously filed the motion in another case. Judge Herlong issued an order in that case directing the petitioner to bring the motion in proper form using a 28 U.S.C. § 2255 form. Mr. Bennett filed the motion using the § 2255 form indicated in the order. Because the petitioner's claims challenge the execution of sentences and

the role Parole Commission decisions, they are cognizable under 28 U.S.C. § 2241, not § 2255. Accordingly, the Court will construe the claims as if brought under the appropriate statute.

Pursuant to Local Rule 73.02(B)(2)(c), it is ORDERED that this matter be referred to a United States Magistrate for review.

A handwritten signature in black ink, reading "G. Ross Anderson, Jr." in a cursive style.

G. Ross Anderson, Jr.
Senior United States District Judge

June 5, 2009
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal.